

**REMARKS**

In this Amendment, Applicant has amended Claim 4 to further specify the embodiment of the present invention and overcome the rejections. It is respectfully submitted that no new matter has been introduced by the amended claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

**REJECTIONS UNDER 35 U.S.C. § 112 FIRST PARAGRAPH:**

Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

It is respectfully submitted that the pending claims properly comply with the enablement requirement. More specifically, a person of ordinary skill in the art can readily understand and practice the present invention as defined. The instrument for evaluating the supply chain performance may be in the form of a questionnaire, which has been fully described in the specification and the drawings, for example the description on page 9, lines 9 – 20 and Fig. 2. The instrument of the present invention is a self-diagnostic tool for evaluating supply chain performance in transport logistics. The instrument of the present invention provides a classification scheme of supply chain performance (SCP) in transport logistics, which consist of three dimensions – SES, OE, and SEC, which includes 26 items (9 for SES, 8 for OE and 9 for SEC). The instrument of the present invention embraces the method of measuring SCP in transport logistics, and provides means for making the measurement. The instrument of the present invention is, in fact, the enabling mechanism making it possible for users to evaluate the supply chain performance. For example, the items listed in the questionnaire of the present invention have been validated empirically by various companies (see descriptions from page 8 through page 16 of the specification). It was proved that the instrument of the present invention provides an enabling structure, via the items in the questionnaire to

assist users in evaluating the supply chain performance for self-assessment purposes at first order (for example, SES), and second order levels (SCP) (see descriptions on page 11 to 14 of the specification). It is respectfully submitted that a person of ordinary skill in the art is able to make and use the present invention as claimed based on the disclosure of the specification.

Therefore, the rejection under 35 U.S.C. § 112, first paragraph has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, first paragraph, is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAPGRAPH:**

Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 – 9, 11 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential elements.

It is respectfully submitted that the pending claims particularly point out and distinctly claim the subject matter which applicant regards as the invention and no omitting essential element is omitted. More specifically, Claims 1 and 11 clearly indicates that “an instrument ... including a plurality of measurement items wherein said items are divided into at least the dimension of service effectiveness for shippers, service effectiveness for consignees and operations efficiency for transport logistics providers...” It is respectfully submits that the structure of the elements of the present invention is clear to a person of ordinary skill in the art of supply chain management. For example, the structure of the measurement items are divided according to the dimension of service effectiveness for shippers, service effectiveness for consignees and operations efficiency for transport logistics providers.

Regarding Claim 4, it is respectfully submitted that the amended claim clearly define an embodiment of the present invention by deleting the overlapping elements with Claim 1.

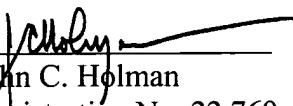
Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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